



U.S. Department of Justice

Ronald C. Machen Jr.  
United States Attorney

*District of Columbia*

---

*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

April 23, 2013

Greg Gardner, Esquire  
Kenneth McPherson, Esquire

re: United States of America v. Eric Payne, 2012 CF1 011127

Dear Counsel:

This is to extend a plea offer for your client, defendant Eric Payne. This offer will remain open until November 20, 2012. The government, however, reserves the right to revoke this offer at any time before your client enters the guilty plea called for by the offer. If your client accepts the terms and conditions set forth below, please execute and have your client execute the attachments in the appropriate spaces provided. Upon my receipt of the letter as executed, this letter will become the plea agreement between your client and the Office of the United States Attorney for the District of Columbia. The terms of the offer are as follows.

Defendant's Obligations

1. Your client agrees to admit guilt and enter a plea of guilty to: voluntary manslaughter, in violation of D.C. Code § 22-2105, as a lesser included offense of the sole count charged in the indictment in this case. Your client understands that this offense carries a maximum potential penalty of 30 years in prison, as well as a period of supervised release of up to five years.

2. Your client agrees not to object to the government's recommendation to the court, at the time of his guilty plea in this case that, pursuant to D.C. Code § 23-1325, your client be held without bond until the time of his sentencing.

3. Your client agrees not to seek a sentence inconsistent with sentencing range called for by the Voluntary Superior Court Sentencing Guidelines (hereinafter, the Guidelines), whatever that range might be, or to argue to the court that the Guidelines, or any otherwise applicable part of the Guidelines, should not be followed in this case.

4. In entering this plea of guilty, your client agrees to waive certain rights afforded him by the Constitution of the United States and/or by statute, as follows:



- (a) Your client understands that the Fifth Amendment to the Constitution guarantees him the privilege against making incriminating statements. By entering the plea of guilty called for by this agreement, your client knowingly and voluntarily waives, i.e., give up, his privilege against self-incrimination. Your client's waiver of this privilege extends to all information that your client supplies to the government pursuant to this agreement.
- (b) Your client also understands that by entering a plea of guilty, he waives the following rights: (i) to be tried by a jury, or by a judge sitting without a jury, and to require the government to prove your client guilty beyond a reasonable doubt; (ii) to be assisted by an attorney at trial; (iii) to present evidence in his defense; and (iv) to confront and cross-examine witnesses against him.
- (c) Your client further understands and agrees that the guilty plea entered under this agreement may not be withdrawn because of the harshness of the sentence imposed. Such a motion to withdraw shall constitute a breach of this agreement.
- (d) You and your client have discussed rule 11(e)(6) of the Federal Rules of Criminal Procedure and rule 11(e)(6) of the Superior Court Rules of Criminal Procedure, which ordinarily restrict the admissibility, in both civil and criminal proceedings, of statements made in the course of plea proceedings or plea discussions, if the guilty plea is later withdrawn. Your client knowingly and voluntarily waives or gives up the rights which arise under these rules. As a result of this waiver, your client understands that if the guilty plea is subsequently withdrawn, any statements which your client has made pursuant to this agreement would be admissible against your client for any purpose in any criminal or civil proceeding.

#### Government's Obligations

5. In return for your client's specific performance of all obligations under this agreement, the government agrees that it will not to allocute at sentencing for a prison term greater than the lower end of the applicable range under the Guidelines, whatever that range might be, and will not further prosecute your client for any matter related to the June 19, 2011, fatal stabbing of Charles Hicks.

#### General Obligations

6. This agreement binds only the United States Attorney's Office for the District of Columbia. It does not bind any other United States Attorney's Office or any other federal, state or local prosecuting authority.

7. This letter, with attachments, sets forth the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements or conditions, if any, between this office and your client. No promises, agreements or conditions have been entered into other than those set forth in this letter . There can be no valid addition or alteration to this agreement unless the addition or alteration is made on the record in open court or made in a writing signed by all of the parties.

Respectfully,

RONALD C. MACHEN JR.  
UNITED STATES ATTORNEY

by:

A handwritten signature in black ink, appearing to read "Michael C. Liebman", written over a horizontal line.


Michael C. Liebman  
Assistant U.S. Attorney

Defendant's Acceptance

I have read or had read to me each of the six (6) pages constituting this plea agreement and have discussed the agreement with my attorney. I fully understand this agreement and agree to it, intending to be legally bound. I have not been threatened or coerced in any manner. I am not under the influence of anything that could interfere with my ability to understand this agreement fully.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty, except those set forth in this written plea agreement. I am satisfied with the legal services provided to me by my attorneys in connection with this plea agreement and matters related to it.

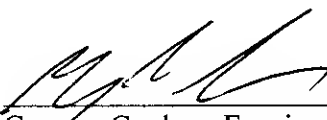
date: 4/23/13

  
Eric Payne, defendant


Attorneys' Acknowledgment

I have read each of the five (5) pages constituting this plea agreement. I have fully reviewed and discussed the provisions of the agreement with my client, defendant Eric Payne, and I am satisfied that my client understands all of its terms and conditions. These pages accurately and completely set forth the entire plea agreement. I concur with my client's decision to plead guilty under the terms set forth in this agreement.

date: 4/23/13

  
Gregory Gardner, Esquire  
Counsel for defendant Eric Payne

date: \_\_\_\_\_

  
\_\_\_\_\_  
Kenneth McPherson, Esquire  
Co-counsel for defendant Eric Payne